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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MS306622.01/MSFTP529US

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on February 11, 2008

Signature /Himanshu S. Amin/

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Application Number

10/693,019

Filed

2003-10-23

First Named Inventor

Brijesh Krishnaswami, et al.

Art Unit

2191

Examiner

Rongfa Philip Wang

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 40,894
Registration number

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

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February 11, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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PATENT

MS306622.01/MSFTP529US

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Date: February 11, 2008

/Michelle Pesek/
Michelle Pesek

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Brijesh Krishnaswami, *et al.*

Examiner: Rongfa Philip Wang

Serial No: 10/693,019

Art Unit: 2191

Filing Date: October 23, 2003

Title: SETTINGS MANAGEMENT INFRASTRUCTURE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants respectfully request review of the final rejection in the above-identified patent application. Favorable reconsideration is respectfully requested in view of the comments below. No amendments are being filed with this request and this request is being filed with a Notice of Appeal.

REMARKS

Claims 1-8, 10-18, 23-25, 27-29, and 31-33, 38 and 39, are currently pending in the subject application.

I. Rejection of Claims 1-8, 10-18, 23-25, 27-29, and 31-33 Under 35 U.S.C.

§103(a)

Claims 1-8, 10-18, 23-25, 27-29, and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller, *et al.* (US PGPub No. 2004/0049509) in view of Eager, *et al.* (US Patent No. 5,960,200).

As previously noted by Applicants in the Reply to Final Office Action at pages 8-9, it is unclear what the Office believes in claims 27-29 and 31-33 are not taught by Keller and require Eager to cure the deficiency. Specifically, the Office has failed to cite Eager in the rejections of those claims despite the 35 U.S.C. § 103(a) rejection over Keller in view of Eager. Clarification was respectfully requested, but not supplied in the Advisory Action. *See* Reply to Final Office Action pages 8-9; Advisory Action, page 2.

Accordingly, no *prima facie* case for a rejection under 35 U.S.C. § 103(a) over Keller in view of Eager is stated and the Office at best states a 35 U.S.C. § 102(e) – not 35 U.S.C. § 102(b) – rejection of claims 27-29 and 31-33 as anticipated by Keller.

Claim 1, recites, “the configuration service component employing security *at per-setting granularity*.” The Office has admitted that Keller does not teach or suggest this aspect and instead relies on Eager to cure this deficiency. Office Action dated October 10, 2007, pg. 4.

However, Eager does not teach this aspect either. The Office cites col. 21, lines 37-40, which is copied below for ACL-based security at per-setting granularity:

At the data layer 140 level, security functions manage access control lists (ACL), which enable application administrators to set up a hierarchy of user types for controlling access to application resources.

Eager does not disclose ACL-based security *at per-setting granularity* and appears to suggest role-based access control, not access control lists. In fact, Eager does not appear

to disclose settings at all and the Office instead relies on the background of Applicants' specification to teach that settings can be store in the registry and the registry can be one or more files. Advisory Action, page 2. Therefore, the rejection appears to be a 35 U.S.C. 103(a) rejection over Keller in view of Eager and further in view of Applicants' Background. Consequently, the final rejection of claim 1 does not state a *prima facie* case.

Furthermore, even if Eager does teach access control lists and settings, Eager merely states ACL-based security is used generally to control access to application resources without stating the level of granularity. The Office posits that since an access control list (ACL) controls access to an associated object and a setting can be that object, Eager teaches *per setting granularity*. However, this logic is faulty since the associated object does not need to be an individual setting and can instead be a subtree of the registry, a configuration file, or a database table. No findings of fact were made by the Office to show *the per-setting granularity*, as oppose to one of the latter levels of granularity.

Accordingly, for at least this reason, claim 1 and dependent claims 2-8, 10-18, and 23-25, which depend from claim 1, are allowable over Keller, alone or in combination with Eager.

II. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Keller, et al. (US PGPub No. 2004/0049509) in view of Eager, *et al.* (US Patent No. 5,960,200) and further in view of Bondarenko, *et al.* (US PGPub No. 2004/0083479).

Claim 26 depends on claim 1. As discussed *supra*, Keller, alone or in combination with Eager, does not teach or suggest every aspect of claim 1. Bondarenko does not cure this deficiency. Accordingly, for at least this reason, Applicants respectfully request withdrawal of this rejection.

III. Rejection of Claims 38 and 39 Under 35 U.S.C. §103(a)

Claims 38 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable by Hellerstein, *et al.* (US PGPub No. 2002/0129356) in view of Keller, *et al.* (US PGPub No. 2004/0049509).

Claim 38 recites, “the legacy handler component *facilitates synchronization with a legacy store including a registry.*” The Office admits that Hellerstein does not teach or suggest this aspect and instead relies on Keller to teach this aspect. Office Action dated October 10, 2007, pg. 17.

However, Keller does not teach or suggest this aspect. The Office cites paragraph 0118 to teach this aspect, but this passage merely indicates that references to other systems can be present in the structural model if those references are contained in the system repositories, such as the registry. Contrary to Office’s assertions, it does not teach or suggest *facilitating any synchronization with a legacy store*. In particular, the cited passage does not teach or suggest writing any information to a legacy store, a necessary condition for synchronization.

Consequently, for at least this reason, Hellerstein, alone or in combination, with Keller does not render obvious every aspect of claim 38.

Claim 39 similarly recites, “*means for synchronizing the means for storing configuration information with a legacy store including a registry.*” The Examiner admits that Hellerstein does not teach or suggest this aspect and instead relies on Keller to teach this aspect in paragraph 0118. Office Action dated October 10, 2007, pg. 18. As discussed *supra*, Keller does not teach or suggest this aspect either.

Accordingly, for at least these reasons, withdrawal of this rejection is respectfully requested.

CONCLUSION

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP529US].

Respectfully submitted,

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